

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-31252 of 2016 (O&M)
Date of Decision: January 24, 2017**

Kulwant Singh @ Pamma and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Prateek Pandit, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.48 dated 12.04.2016 registered for the offences punishable under Section 379 read with Section 34 of Indian Penal Code and Section 61 of Punjab Excise Act, 1914, at Police Station Sultanpur Lodhi, District Kapurthala.

Heard.

Learned counsel for the petitioners submits that pursuance to the order dated 07.10.2016, the petitioners have already joined the investigation and released on interim bail by the police.

Learned State counsel submits that petitioners were the

members of gang of Arpinder Singh and Dalbir Singh, who used to steal

spirit/alcohol from the truck and sell the same in the market. Arpinder Singh was owner of the *Dhaba* where the truck was parked and Dalbir Singh was driver of the truck while petitioners were their associates. On raid, Arpinder Singh and Dalbir Singh were arrested, while the petitioner succeeded in fleeing away. They have been named by Arpinder Singh co-accused.

The petitioners are not named in the FIR. Recovery has already been effected from the co-accused. Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 07.10.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

January 24, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***